

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE FIFTEENTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE J.CHELAMESWAR

and

THE HON'BLE MR JUSTICE GODA RAGHURAM

WRIT PETITION NO : 10787 of 2004

Between:

S.Rasheed Ahamed, s/o Shaik Masthan,
Draughtsman Grade I (Retired) r/o D.No.86/42 (LIG-II/115), Old
Housing Colony,.Kurnool.

..... PETITIONER

AND

**1The Govt., of Andhra Pradesh, Principal Secretary, Energy and
Forests Department, Secretariat, Hyderabad.**

**2 The Principal Chief Conservator of Forests, Forest Department,
A.P.,Aranya Bhavan, Hyderabad-4.**

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction, more particularly one in the nature of writ of mandamus, declaring the Govt. Memo No.4951/For.V/94-1 dated 2-6-1994 as arbitrary and illegal and set aside the said Govt.Memo dated 2-6-1994 and as well as the order dated 17-2-2004 in O.A.No.7131 of 1994 of the Hon'ble A.P.A.T., and consequently direct the 2nd respondent to restore the seniority of the petitioner in the cadre of Draughtsman Gr.I from the date of his initial promotion w.e.f., 31-5-1967 in terms of the Govt.Memo No.16733/For.IV/92-4 dated 6-11-1992 and with all other consequential benefits, monetary and otherwise.

Counsel for the Petitioner:MR.V.JAGAPATHI

Counsel for the Respondents: GP FOR FORESTS

The Court at the stage of admission made the following :

Order (per Hon'ble Sri Justice Goda Raghuram),

The unsuccessful applicant in O.A. No.7131 of 1994, aggrieved by the dismissal of the O.A. by the order dated 17-2-2004, is before this Court.

The applicant, while serving as Draughtsman Grade-II, was promoted as Draughtsman Grade-I by order dated 8-5-1967. He was reverted therefrom by order dated 11-4-1968 to the post of Draughtsman Grade-II. On his reversion by the order dated 11-4-1968, he was relieved from the post of Draughtsman Grade-I on 15-5-1968. Thereafter, he made representations, the first being on 20-4-1968. The applicant continued to make representations without any response.

The applicant was again promoted as Draughtsman Grade-I on 4-3-1985. Thereafter, he represented to accord him seniority with effect from the date of earlier promotion of Draughtsman Grade-I i.e. with effect from 8-5-1967. This representation was rejected by the order dated 24-6-1987, of the Government. He persisted with the saga of representations and made another representation on 9-7-1992. On 6-11-1992, the State Government called for records from the Principal Chief Conservator of Forests pursuant to one of the numerous representations of the applicant. The Principal Chief Conservator of Forests, however, by order dated 17-4-1993 declined to consider the claim of the applicant and rejected the same on the ground that such a claim was earlier considered and rejected. As the applicant continued to make representations, the Principal Chief Conservator of Forests by

communication dated 25-6-1993 intimated the petitioner not to make further representations. Undaunted, the petitioner submitted yet another representation on 9-8-1993. Even the State Government by order dated 2-6-1994 rejected his representation.

Eventually, reconciled to the reality that the curtain had come down on the representations arena, the petitioner approached the A. P. Administrative Tribunal by filing O.A.No.7131 of 1994, inter alia assailing the order of the State Government dated 2-6-1994 rejecting his representation.

The learned Administrative Tribunal rightly rejected the O.A. on the ground that the claims of the applicant were hopelessly barred by abnormal delay and laches. We concur with the reason and conclusions of the Tribunal. There are no merits in the writ petition.

The Writ Petition is accordingly dismissed at the admission stage.

J. Chelameswar, J

Goda Raghuram, J

15-09-2004.

Stp

Sd/-
ASSISTANT
REGISTRAR

// TRUE COPY //

SECTION OFFICER

To
1The Principal Secretary,
Energy and Forests Department, Secretariat, The Govt., of Andhra
Pradesh, Hyderabad.

2 The Principal Chief Conservator of Forests, Forest Department,
A.P., Aranya Bhavan, Hyderabad-4.

3.2CCs to G.P.for Forests, A.P.High Court Buildings (out)

4.2CD copies

THE HON'BLE MR JUSTICE J.CHELAMESWAR
and
THE HON'BLE MR JUSTICE GODA RAGHURAM

-
-
-
-
-
-
-
-
-
-
-
-
-
-
-
-
-
-
-

-
-
-

WRIT PETITION NO : 10787 of 2004

15-09-2004